

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACK SMITH,

Plaintiff,

CASE NO: 15-CV-10090-DT

v.

MR. DOYLE, ET AL.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

This matter was referred to United States Magistrate Judge R. Steven Whalen pursuant to U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on February 6, 2017, the magistrate judge recommended that this court deny Defendant C. Johnson's Motion to Dismiss. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant's Motion to Dismiss {Dkt #28} is DENIED.

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

SO ORDERED.

Dated: March 7, 2017

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 7, 2017, by electronic and/or ordinary mail.

s/Shawna C. Burns
Case Manager Generalist
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